

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 26, 2016
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:40 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Lisa Fuentes, Special Projects Coordinator Debbie Hime, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Jim Goldsmith gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

7. PUBLIC SAFETY DISCUSSION

a. VFD June 2016 Report (Chief Judson Hopping)

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

b. AMR June 2016 Report (Chief Brooke Liddle)

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. June Finance Report (Lisa Fuentes, Finance Director)

The Commissioners accepted the report without discussion.

b. Town Manager Report (Bud Bentley, Town Manager)

Town Manager Bud Bentley advised that the Zambelli is offering a \$4,000 (20%) credit because the fireworks show was significantly shorter than the 20 minutes required by our contract. With Commission concurrence, Staff would like to extend the contract with the vendor, Zambelli Fireworks, for one additional year. The Commissioners agreed with this proposal by consensus.

Town Manager Bentley continued that there will be two referendum questions on the November ballot regarding a proposed surtax: one addressing transportation improvements and a second for infrastructure improvements. The Broward Metropolitan Planning Organization (MPO) is taking the lead to form a Surtax Educational Program for the public on these issues and is suggesting a \$0.35 cents per capita donation from each municipality in Broward County for the program. In Lauderdale-By-The-Sea, this would mean a donation of \$2120. The MPO will produce a website listing all eligible projects in each town or city and will provide printed media as well.

Vice Mayor Brown commented that there has not been consistent agreement between the County and the municipalities regarding the proposed surtaxes. The MPO Executive Board has discussed the issue of education at some length, noting that while municipal officials may work to educate the public on the surtaxes, they may not advocate for it. As a member of the MPO Board, Vice Mayor Brown had voted in favor of the per capita request, which he felt to be fair and equitable.

Town Attorney Susan Trevarthen observed that under State Statutes, public funds may not be used to advocate for or against a referendum item; however, both elected officials and Town Staff retain their rights to discuss the item under the First Amendment as long as there is no use of public resources.

The Commissioners agreed on the per capita donation by consensus.

Town Manager Bentley continued that the Town's Five-Year-Plan includes the evaluation of a public valet program. Assistant Town Manager Tony Bryan stated that the Town has the opportunity to create a six-month program for parking in the former Holiday Inn parking lot, now owned by the Florida Development Group. The trial period will be used to create a template for the issuance of an RFP for valet parking service.

Commissioner Vincent asked how many potential parking spaces could fit into the proposed parking lot, pointing out concerns including safety and liability. Assistant Town Manager Bryan replied that these details have not yet been finalized.

At this time Mayor Sasser opened public comment.

Doug Barrow, representing Florida Development Group, stated that liability should be the concern of the service operator.

Assistant Town Manager Bryan observed that Staff could address liability issues in a proposal if the Commissioners wished. Town Manager Bentley asked that the Commission authorize him to enter into any appropriate contracts that have been reviewed by the Town Attorney. Mayor Sasser emphasized the importance of looking into liability issues.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. July 12, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)

Town Manager Bentley noted a correction to the July 12, 2016 meeting minutes: Vice Mayor Brown explained that while a project the size of the El Mar Greenway would normally take five to six years to begin construction, efforts to expedite the timetable for this project have resulted in the project's design phase beginning as early as 2017 and construction as early as 2018.

Vice Mayor Brown made a motion, seconded by Commissioner Sokolow, to approve the minutes as amended. Motion carried 5-0.

11. CONSENT AGENDA

a. Lauderdale-By-The-Sea Garden Club Request for Parking for Jarvis Hall Events (Tedra Smith, Town Clerk)

b. Lauderdale-By-The-Sea Women's Club Request for Parking Permits (Tedra Smith, Town Clerk)

**c. Commercial District Special Event Saturday, October 29, 2016
(Debbie Hime, Special Projects Coordinator)**

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve Items 11a, 11b, 11c, and 11e. Motion carried 5-0.

d. Special Event Application for Arts and Crafts Fair October 8 and 9, 2016 (Debbie Hime, Special Projects Coordinator)

Commissioner Oldaker advised that special event fees should be paid in full up-front in order to prevent additional work for Staff after an event has ended.

At this time Mayor Sasser opened public comment.

David Smith, Howard Alan Events, thanked the Town for allowing the Arts and Crafts Fair. He emphasized that the event sponsor is willing to follow any rules that require fees to be paid in advance.

Jerry Sehl, representing the Kiwanis Club, stated that Kiwanis will serve as the official non-profit sponsor of the event.

With no other individuals wishing to speak on this Item, Mayor Sasser closed public comment.

Vice Mayor Brown stated that he did not feel the Arts and Crafts Show was an appropriate event for the Town, as it creates traffic and parking issues and competes with businesses in the Downtown area. He suggested that the Kiwanis Club request a donation from the Town Commission in next year's budget in lieu of this special event.

Commissioner Vincent observed that he would like to hear direct feedback from Town businesses before voting against the proposed event. He recommended that food and beverage sales be restricted due to the proximity of Town restaurants.

Commissioner Oldaker commented that any Town businesses opposed to the event have the opportunity to make their concerns known at Town Commission meetings; however, none were present to do so. Commissioner Sokolow added that he has not been contacted by any Town businesses regarding the event. He agreed with Commissioner Vincent that food and beverage sales could be restricted.

Town Manager Bentley advised that a condition of the Application requires vendors selling products similar to those in nearby stores must be located a reasonable distance from these stores. Regarding payment of fees prior to events, he pointed out that Staff is supportive of this suggestion, although it would require an amendment to the event permit for this specific event.

Town Manager Bentley continued that the two largest fees for the event are parking and Deputy Detail Officers. The event is not charged for use of Town parking lots: the parking fee would cover vendor parking.

Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to amend the recommendation and approve with all fees to be paid in advance. Motion carried 4-1 (Vice Mayor Brown dissenting).

- e. Designation of Director of Development Services Position as Senior Management (Tony Bryan, Assistant Town Manager)**

12. OLD BUSINESS

- a. Anglin Square Traffic Congestion – Update (Captain Fred Wood, BSO)**

Broward Sheriff's Office (BSO) Captain Fred Wood recalled that at an earlier Commission meeting, a proposal was presented to address congestion in Anglin Square over the July 4th holiday as well as on busy weekends. The plan was implemented over the weekend prior to July 4, after which Capt. Wood spoke with some of the parties affected by the plan. Most of these individuals felt the plan was helpful. He did not recommend any changes to this plan, and recommended that it be implemented once more over the Labor Day weekend, including Labor Day itself. A report will be provided after this holiday.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Vice Mayor Brown reported that the Community Center's recent Magic Show in Jarvis Hall was very well-attended. He also addressed turtle season, stating that the addition of sand to the beach has had a positive effect and there are more turtle nests than ever before.

Commissioner Vincent wished all present a good summer.

Commissioner Oldaker stated that he recently attended an AMR Review Board meeting and was very impressed with the services, personnel, and facilities of AMR after a recent tour. He also thanked Town Manager Bentley and Town Staff for their assistance in bringing him up to speed on Town issues since his election to the Board.

Mayor Sasser thanked Vice Mayor Brown for chairing the July 12, 2016 Town Commission meeting.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

- i. Ordinance 2016-05 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, “UTILITIES,” OF THE TOWN’S CODE OF ORDINANCES BY AMENDING ARTICLE II, “SANITARY SEWER SYSTEM,” SECTION 20-19, “RATES AND CHARGES,” TO ADOPT REVISIONS TO THE SCHEDULE OF RATES AND CHARGES FOR SANITARY SEWAGE COLLECTION, TRANSMISSION AND DISPOSAL SERVICE (Tony Bryan, Assistant Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Assistant Town Manager Bryan explained that this Ordinance increases the Town’s sewer rates by 2.5% in each of the next three fiscal years: FY17, FY18, and FY19. Notice of a special meeting and second reading of the Ordinance will be included in August 2016 water bills, and Town sewer customers will receive a postcard informing them of the second reading as well. The public hearing is scheduled for Monday, September 12, 2016 at 6pm.

The 2.5% increase will be approximately \$1.40/month for each single-family residence and roughly \$.70 cents per month for each multi-family customer in each year.

Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

b. Ordinances 2nd Reading

- i. Ordinance 2016-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO CREATE A HISTORIC PRESERVATION BOARD AND PROGRAM, AND TO AMEND DEFINITIONS, PROCEDURES, AND REGULATIONS RELATED TO HISTORIC PRESERVATION, ARCHAEOLOGICAL SITES, ARCHITECTURAL REVIEW AND CONDITIONAL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment.

Edmund Malkoon, resident, advised that while he is not opposed to a historic preservation Ordinance, he opposes this particular Ordinance, which he characterized as incomplete and lacking in sufficient details of its procedures. It would also separate the Town from County archaeological support, although the Town is considered an archaeologically sensitive area. He urged the Commission to vote against or table the proposed Ordinance.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Vice Mayor Brown observed that the Ordinance would establish a process by which property owners in Town may submit applications to have their properties designated as historic. He requested clarification of whether or not this would affect permit applications for any type of work on Town properties. Development Services Director Linda Connors replied that language regarding a property's Certificate of Occupancy (CO) has been added to the architectural review requirements in commercial or RM-25 zoning districts in the event that a property is part of a historic district.

Vice Mayor Brown also requested additional information regarding County archaeological support. Development Services Director Connors explained that the County has never contacted the Town in relation to the archaeological significance of Town sites or procedures. If the Town designates a site as archaeologically significant, it would require a Certificate of Appropriateness.

Vice Mayor Brown stated that while the Town should encourage its residents to participate in historic preservation, the Ordinance instead seems designed to address the issue of home rule in response to a County Ordinance. He concluded that the process is very similar to the existing County designation process and therefore redundant. He recommended that any motion to approve the Ordinance create a separate Historic Preservation Board rather than requiring the Board of Adjustment to do this work, and that funds be committed to the program to provide incentives to participants.

Commissioner Vincent did not agree, stating that the Town must act to protect home rule and remove this issue from County jurisdiction. He pointed out that the Ordinance requires property owner consent to any such designation and establishes guidelines for the creation of historic districts.

Commissioner Sokolow observed that if the Town takes no action on this issue, it is subject to the County Ordinance, which may designate a property as historic even if the property owner objects to the designation. He agreed that the issue is one of home rule.

Commissioner Oldaker commented that the Ordinance may be subject to amendment or updating at a future date.

Development Services Director Connors requested clarification of whether or not Staff should proceed to research the costs associated with a site file survey of the Town. The Commissioners agreed by consensus to proceed with the survey.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-1 (Vice Mayor Brown dissenting).

- ii. **Ordinance 2016-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 13, NOISE, OF THE CODE OF ORDINANCES, TO REGULATE TIME LIMITS FOR THE USE OF DOMESTIC POWER TOOLS, PROHIBIT CONSTRUCTION AND THE USE OF DOMESTIC POWER TOOLS ON CERTAIN HOLIDAYS (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Oldaker made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.

16. RESOLUTIONS – PUBLIC COMMENTS


None.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 7:57 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Allen

9-12-16

Date